

HIGH SCHOOL VISITOR.

CIRCULAR NO. II, 3.

267-903-5m.

INFORMATION
CONCERNING THE TEXT-BOOK
LAW.

Texas,

BOOKS ADOPTED BY THE STATE TEXT-BOOK BOARD.

READING.

NAME OF BOOK.	Retail Price	Exchange Price	PUBLISHER AND STATE DEPOSITORY.
Wheeler's Primer, cloth	\$ 0.30	\$ 0.15	W. H. Wheeler & Co., Texas Drug Co., Dallas, Texas.
Wheeler's Primer, boards .....	.22	.11	W. H. Wheeler & Co., Texas Drug Co., Dallas, Texas.
Graded Classics, Book 1, boards .....	.15	.08	B. F. Johnson & Co., Dallas, Texas.
Graded Classics, Book 1, cloth .....	.20	.10	B. F. Johnson & Co., Dallas, Texas.
Graded Classics, Book 2, boards .....	.22	.11	B. F. Johnson & Co., Dallas, Texas.
Graded Classics, Book 2, cloth .....	.27	.14	B. F. Johnson & Co., Dallas, Texas.
Graded Classics, Book 3, boards .....	.30	.15	B. F. Johnson & Co., Dallas, Texas.
Graded Classics, Book 3, cloth .....	.35	.18	B. F. Johnson & Co., Dallas, Texas.
Stickney Readers, Book 4, cloth .....	.32	.16	Ginn & Co., Dallas, Texas.
Stickney Readers, Book 5, cloth32	.16	Ginn & Co., Dallas, Texas.

SPELLING.

Modern Speller, cloth	\$ 0.18	\$ 0.09	American Book Co., Dallas, Texas.
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LANGUAGE LESSONS, GRAMMAR AND ELEMENTARY ENGLISH COMPOSITION.

Hyde's Practical Lessons in the Use of English, boards	\$0.20	\$ 0.10	D. C. Heath & Co., Austin, Texas.
Hyde's Practical English Grammar, boards .....	.32	.16	D. C. Heath & Co., Austin, Texas.
Welsh's Composition, cloth .....	.48	.24	Silver, Burdett & Co., 212 Commerce St., Dallas, Texas.
Sisk's "Grammar as a Science," cloth .....	.50	.25	Gammel-Statesman Publishing Co., Austin, Texas.

ARITHMETIC AND MENTAL ARITHMETIC.

Sutton & Kimbrough's Arithmetic—			
Lower, cloth	\$ 0.22	\$ 0.11	D. C. Heath & Co., Austin, Texas.
Lower, boards .....	.20	.10	D. C. Heath & Co., Austin, Texas.
Sutton & Kimbrough's Arithmetic—			
Higher, cloth .....	.42	.21	D. C. Heath & Co., Austin, Texas.
Higher, boards .....	.35	.17	D. C. Heath & Co., Austin, Texas.
Hopkins and Underwood's Mental Arithmetic, cloth .....	.22	.14	The Macmillan Co., 212 Commerce St., Dallas, Texas.

UNITED STATES HISTORY.

Beginner's History of Our Country, cloth.....	\$ 0.40	\$ 0.20	Southern Publishing Co., Dallas, Texas. Ginn & Co., Dallas, Texas.
Our Country's History (Texas edition), cloth70	.35	

TEXAS HISTORY.

Pennybaker's History of Texas, cloth.....	\$ 0.65	\$ 0.30	M. H. Benson, Austin, Texas.
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GEOGRAPHY AND PHYSICAL GEOGRAPHY.

Maury's Elementary Geography, cloth.....	\$ 0.40	\$ 0.20	University Pub. Co., 426 Commerce St., Dallas, Texas. University Pub. Co., 426 Commerce St., Dallas, Texas. University Pub. Co., 426 Commerce St., Dallas, Texas.
Maury's Manual of Geography, cloth.....	.88	.44	
Maury's Physical Geography, cloth.....	.90	.45	

PHYSIOLOGY AND HYGIENE.

Coleman's Physiology for Beginners, cloth.....	\$ 0.32	\$ 0.20	The Macmillan Co., 212 Commerce St., Dallas, Texas. Silver, Burdett & Co., 212 Commerce St., Dallas, Texas.
Conn's Physiology and Hygiene, cloth.....	.50	.30	

COPY BOOKS.

Kilpatrick's Language System of Penmanship	\$ 0.04		Globe School Book Co., Texas Drug Co., Dallas, Texas.
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□ The studies required by law to be taught in "all public schools in this State" are orthography, reading in English, penmanship, arithmetic, English grammar, composition, geography, physiology and hygiene, mental arithmetic, Texas history, United States history and civil government, and other branches as may be agreed on by the trustees, or directed by the State Superintendent.—Sec. 19, School Laws. Also a law enacted by the Twenty-eighth Legislature requires that "suitable instruction shall be given in the primary grades once each week regarding kindness to animals of the brute creation and the protection of birds and their nests and eggs."

The text-book law provides that the books adopted by the Board under the provisions of that act shall be used as text-books, to the exclusion of all others, in the public schools; provided, that nothing shall be construed to prevent the use of supplementary books. But full use must be made in good faith of the books adopted.

The minutes of the Board construe their adoption of the Primer in the series of readers as follows: "The adoption of Wheeler's Primer is not to be construed in such manner as to make its use obligatory; the same to be used in such schools as require more preparation for the second reader than is found in the first reader in the series adopted." In other words, the Board intends that if any primer is used supplementary to the first reader, Wheeler's Primer must be used.

Inasmuch as no text-book in mental arithmetic has been hitherto prescribed or generally used, it may be serviceable to call attention to the law which now positively prescribes both the subject and the book, and to offer suggestions in regard to the use of the book adopted. The book seems to be well adapted to be used as follows: In the third grade, to page 42; in the fourth grade, from page 42 to page 91; in the fifth grade, from page 91 to page 135; in the sixth grade, from page 135 to the end. Where more than six grades or six years are planned for preparation for the high school, a slightly different division of the subject-matter might be deemed desirable.

For the prescribed study of United States history the Text-Book Board has adopted two books, instead of the one which was adopted for the last five years. Where subjects and text-books are both prescribed, the use of the latter in the order determined by the Text-Book Board is obligatory under the penalties of Section 12 of the text-book law. The supplementary books expressly provided for by law may be introduced at any point in the course, "but full use must be made in good faith of the books adopted."

In regard to the beginner's book in United States history, it may be suggested that its subject-matter is suited to pupils at any stage from the fourth to the sixth grades, inclusive, although since so large a number of pupils fall out of school during the earlier years, its use at fourth and fifth grade stages is recommended.

In regard to the use of the separate text-book in composition, newly adopted, it may be suggested that it will probably be found preferable to let it follow the Practical English Grammar and precede the Higher Grammar, or be used simultaneously with the latter.

The remaining books of the new adoption so nearly correspond to those used heretofore that no further suggestions will be made,

except to recommend for graded systems which include good high schools where physiography has been taught upon the high school plane, that a place be made in the elementary school course for the adopted text in physical geography, as the only way to avoid derangement of the work of the high schools referred to.

The conditions governing the exchange of books under the terms of the law at the contract prices printed upon the cover of each of the newly adopted books, are set forth in the concluding provision of Section 2 of the text-book law. "No book shall be taken in exchange that was not in use in the public schools prior to May 1, 1903, or which was not purchased by book dealers for the session of 1902 and 1903." The full text of the law is appended hereto.

Arthur Lefevre

Austin, Texas, Sept. 1, 1903.

State Superintendent.

LAW.

An Act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text-books and exempting cities of ten thousand population or more from the operation of this act; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion and authorizing the Attorney General to bring suit therefor, and providing penalties for violations of the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The Governor of the State of Texas as soon as this act takes effect shall appoint three public free school teachers residing in different parts of this State, and who each shall have been actively and continuously engaged for not less than five years in teaching in and drawing a salary from the school fund in an independent, community or common school district in Texas, and such teachers shall be selected from some independent, community or common school district operating under the uniform text-book law, and such three teachers, together with the Governor, Attorney General, Commissioner of Insurance, Statistics and History and Superintendent of Public Instruction, shall constitute the State Text-Book Board, of which board the Governor shall be chairman, and said board shall, when called together by the Governor for that purpose, adopt and maintain a uniform system of text-books for use in the public schools in this State and for the further purpose of executing the provisions of this act, the board is hereby authorized and required to select and adopt a uniform system of text-books to be used in the public free schools of Texas, and the series so selected shall include text-books on the following subjects: Spelling, a graded series of reading books, a course in language lessons, grammar and elementary English composition, geography, arithmetic, mental arithmetic, elements of physiology and hygiene, history of the United States, history of Texas, and a graded system of writing books; provided that none of said text-books shall contain anything of a partisan or sectarian character, and that nothing in this act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin or Greek in any of the public schools in conjunction with the English course prescribed by this act, but the teaching of such languages shall not supersede the use of the text-books herein prescribed; and provided further, that nothing herein shall be construed to prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books prescribed under the provisions of this act. But full use must be made in good faith of the books adopted under this act.

SEC. 2. The text-books selected by the board shall be selected after a careful examination and consideration of all presented, and shall be the best text-books in the opinion of the board, taking into consideration merit, price, and the general good of the public schools and its patrons; provided, also, that no book shall be taken in exchange that was not in use in the public schools prior to May 1, 1903, or which was not purchased by book dealers for the session of 1902 and 1903.

SEC. 3. The Governor shall immediately upon the taking effect of this act, advertise in such manner as he may deem best, that at a time and place fixed in said notice, and not later than sixty days after this act takes effect, sealed bids will be received. Each bid shall state specifically at what price each book will be furnished, and shall be accompanied with specimen copies of each and all books offered and it shall be required that each bidder deposit with the Treasurer of the State of Texas such sum of money as the board may require, not less than five hundred dollars, nor more than two thousand five hundred dollars, according to the value of the books each bidder may propose to supply. Such deposits shall be forfeited to the State absolutely if such bidder so depositing shall fail to make and execute such contract and bond as are herein required within such time as the board may require, which time shall be specified in the notice advertised; and it shall be further required of all publishers submitting bids to the board for its consideration that they file with the Secretary of State, an affidavit that no member of the board is in any manner interested, directly or indirectly, in any firm or corporation submitting books for adoption. If the fact should be disclosed that any member of the board is so interested it shall work a disqualification of such member of the board and he shall not be permitted to serve on the board created under the provisions of this act; nor if it should further appear or be disclosed that any member of the board is interested in any book or series of books as the author, associate author, or in any manner, such fact shall likewise work a disqualification of such member and he shall not be permitted to serve upon the board. And each member of the board, except the Governor, after a called session of the board at which any books are adopted, shall make and file with the Secretary of State, an affidavit in writing that he is not, and has not been, directly or indirectly, interested in or related to any publishing house, person, firm or corporation submitting any books for adoption, or in any books offered for adoption, nor is he related to any person or agent representing such house, person, firm or corporation.

SEC. 4. Any vacancy occurring upon the board from any cause shall be filled by appointment by the Governor. All bids shall be sealed and deposited with the Governor of the State to be by him delivered to the board in session for the purpose of considering the same. All bids shall be opened in the presence of the board. When any person has been awarded a contract and he has filed his bond and contract with the board, it shall make an order on the Treasurer of the State, reciting such fact, and thereupon, the Treasurer shall return the deposit of such successful bidder; but if any successful bidder shall fail to make and execute the contract and bond as hereinbefore provided, the Treasurer shall place the deposit of said bidder in the State treasury to the credit of the available school fund, and the board shall readvertise for other bids to supply such books which the said bidder may have failed to supply. All unsuccessful bidders shall have their deposits returned to them as soon as the board has decided not to accept their bids. All books adopted by the board shall be printed in English. The board shall stipulate in the contract, that where a change shall have been made from the books now in use, the contractor or contractors shall take in exchange the respective books at present adopted by the State or by any city having a population in excess of ten thousand, in part payment for the new books, and all bidders under this act shall state what allowance they will make for the said respective books, adopted by the State, or by any city having a population in excess of ten thousand, now in the hands of the patrons of the public schools when offered in exchange for the new books adopted under this act; provided, that said allowance and condition for the exchange of the old books shall be in force during the scholastic year beginning September 1, 1903. The bidder or bidders to whom any contract may have been awarded shall make and execute a good and sufficient bond, payable to the State of Texas, and in a sum of not less than ten thousand dollars, to be approved by the Governor; such bond to be conditioned that the contractor or contractors shall faithfully and fully perform all the conditions of the contract. The contract and bond shall be prepared by the Attorney General, and shall be made to conform with all the requirements of this act, and shall

be payable in Travis county, Texas, which shall be deposited in the office of the Secretary of State. The bond shall not be exhausted by a single recovery thereon, but may be sued upon from time to time until the full amount thereof is recovered, and the board may at any time after twenty days notice require a new bond to be given, and in the event the contractor or contractors shall fail to furnish such new bond the contract of such contractor or contractors may at the option of the board be forfeited.

SEC. 5. It shall be the duty of the board to meet at the time and place mentioned in the notice and advertisement, and shall adopt such rules and regulations as may be necessary to the transaction of its business, not contrary to the provisions of this act, and shall then and there open and examine the sealed proposals received and it shall be the duty of the board to make a full and complete investigation of all books and bids accompanying the same. The merit of the books shall be the main point to be considered in their adoption. The board shall proceed without delay to adopt for use in the public schools in this State, textbooks on the branches hereinbefore mentioned, and shall notify the publishers to whom contracts are awarded. Each contract shall be duly signed by the publishing house or its authorized officers and agents, and if it is found to be in accordance with the award and all the provisions of this act and if the bond herein required is presented and duly approved the board shall approve said contract and order it to be signed on behalf of the State by the Governor in his capacity as chairman. All contracts shall be made in duplicate. One copy to remain in the custody of the Secretary of State and to be copied in full in the minutes of the meeting of the board in a well-bound book, and the other copy to be delivered to the company or its agent. The contract or exchange prices of each book shall be plainly printed on the back of each book, together with the following notice: "The prices marked hereon are fixed by the State and any deviation therefrom should be reported to the State Superintendent at Austin, Texas." The board shall not in any case contract with any publisher for any book or books to be used in the public schools of this State at a price in excess of the lowest price at which the said publisher or publishers furnish and distribute the same book or books under contract with any other State, county or school district in the United States; provided, that no book or books shall be purchased from any person, firm or corporation who is a member of or connected with any trust, if such book or books can be purchased from any other source at the same price.

SEC. 6. It shall be part of the terms and conditions of every contract made in pursuance of this act that the State of Texas shall not be liable to any contractor thereunder for any sum whatever, but all such contractors shall receive compensations solely and exclusively from the proceeds of the sale of books as provided in this act; and it is hereby provided, that the State shall have the right to terminate said contract whenever the law is repealed or amended, altered or qualified as to make necessary or expedient that such contract should be revoked, and all contracts shall contain a stipulation to that effect. The State may at its election cancel any contract entered into by virtue of the provisions of this act for fraud or collusion upon the part of either party to the contract, or any member of the board, or any person, firm or corporation or their agent making said bond or contract, and for the cancellation of any such contract the Attorney General is hereby authorized to bring suit in the proper court of Travis county, and in case of the cancellation of any contract as above provided for, the damages are fixed at not less than the amount of said bond, to be recovered as liquidated damages in the same suit canceling said contract; and on account of the difficulty of determining the damage that might accrue by reason of such fraud and cancellation of such contract, the full amount of the bond given by any contractor shall be considered as liquidated damages to be recovered out of said bond by the State at the suit of the Attorney General, and every contract shall contain a clause to this effect.

SEC. 7. As soon as the board shall have entered into the contracts for the furnishing of books for use in the public schools in this State under the provisions of this act it shall be the duty of the Governor to issue his proclamation of such fact to the people of the State, and the State Superintendent of Public Instruction shall carefully label and file away the copies of the books adopted as furnished for examination to the board and such copies of said books shall be securely kept as the standard of quality and excellence to be maintained in said books during the continuance of the contracts.

SEC. 8. The party with whom each contract has been made shall establish and maintain in some city in this State a depository where a stock of their goods to

supply all immediate demands shall be kept, and shall establish and maintain in every county in the State having an enrollment of five hundred pupils or more in the public schools, as shown in the last preceding report of the county superintendent on file in the office of the State Superintendent of Public Instruction, one or more agencies, one of which shall be at the county seat. And any person in a county, not having an agency for the adopted books, may order from the central agency and the books so ordered shall be sent to him at any postoffice in such county at the retail contract price; provided, that the price of the book so ordered shall be paid in advance. Upon failure of any contractor under the provisions of this act to furnish the books as provided in the contract and in this act, the county judge wherein such books have not been so furnished shall report the fact to the Attorney General, who shall bring suit on account of such failure in the name of the State of Texas, in the district court of Travis county, and recover on the bond given by such contractor for the full value of the books not furnished as required, and the amounts so recovered shall be placed to the credit of the available school fund of the State. Unorganized counties shall be furnished from the same agency as the county to which said unorganized county is attached for judicial purposes in the same manner as such organized county.

SEC. 9. As soon as practicable after the adoption of the text-books provided for in this act, the Superintendent of Public Instruction shall address a circular letter to the county superintendent and the presidents of school boards in independent districts and all cities having a population in excess of ten thousand, which circular letter shall contain a list of the books adopted, with their respective prices, together with such other information as he may deem advisable.

SEC. 10. The books adopted by the board under the provisions of this act shall be introduced and used as text-books to the exclusion of all others in the public free schools of this State, for a period covering five scholastic years, beginning September the first, 1903, or as soon thereafter as practicable, subject to the exceptions contained in this act; provided, nothing in this act shall be construed to prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way in the event that no contracts are made, or in the event that the contractor fails or refuses to furnish the books provided for in this act at the time that said books are required for use in the schools.

SEC. 11. The provisions of this act shall not apply to any city in this State having a population in excess of ten thousand, but any city may adopt the books selected under this act, and in the event of such adoption have the right to purchase at the price and upon the terms as prescribed in any contract made under the provisions of this act.

SEC. 12. Any school trustee who shall prevent or aid in preventing the use, in any public school in this State, of the books, or any of them as adopted under the provisions of this act, or any teacher in this State who shall willfully fail or refuse to use the books adopted under the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five dollars, nor more than fifty dollars for such offense, and each day of such willful failure or refusal by said teacher or willful prevention of the use of the books by said school trustee shall constitute a separate offense.

SEC. 13. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the general revenue of this State not otherwise appropriated for the purpose of paying the cost and expense of putting into effect the provisions of this act; provided, that the teachers selected under the provisions of this act shall receive as compensation for their services the sum of \$5.00 per day while on duty, and actual traveling expenses in going to and returning from the place of meeting, to be paid upon warrants drawn by the Comptroller under the direction and approval of the Governor.

SEC. 14. Any person, firm or corporation with whom a contract has been entered into under the provisions of this act shall designate the Secretary of the State of Texas as its or their agent upon whom citation and all other writs and process may be served in the event any suit shall be brought against such person, firm or corporation.

SEC. 15. The fact that the text-book law approved June 10, 1897, is about to expire by limitation, the importance of this measure to the people of Texas, the near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring that the constitutional rule requiring that bills be read on three several days be suspended and the same is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted.